

EXHIBIT K

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBITUS BIOPHARMA CORPORATION)
and GENEVANT SCIENCES GmbH,)
Plaintiffs,)
v.) C.A. No. 22-252-MSG
MODERNA, INC. and MODERNATX, INC.,) **HIGHLY CONFIDENTIAL –**
Defendants.) **OUTSIDE COUNSEL EYES ONLY**

**PLAINTIFF GENEVANT SCIENCES GMBH'S FIRST SUPPLEMENTAL RESPONSES
AND OBJECTIONS TO DEFENDANTS MODERNA, INC. AND MODERNATX, INC.'S
FIRST SET OF REQUESTS FOR ADMISSION (NOS. 5–8)**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and the applicable Local Rules of the U.S. District Court for the District of Delaware, Plaintiff Genevant Sciences GmbH (“Genevant”), by undersigned counsel, hereby objects and responds as follows to Defendants Moderna, Inc. and ModernaTX Inc.’s (collectively, “Moderna” or “Defendants”) First Set of Requests for Admission (Nos. 1–8).

GENERAL OBJECTIONS & OBJECTIONS TO DEFINITIONS

Genevant incorporates in their entirety the General Objections and Objections to Definitions provided in Plaintiffs’ Responses and Objections to Defendants Moderna, Inc. and ModernaTX Inc.’s First Requests for Production. These objections form a part of, and are hereby incorporated into, the response to each and every Request for Admission set forth below. Nothing in those responses, including any failure to recite a specific objection in response to a particular Request for Admission, should be construed as a waiver of any of these General Objections and Objections to Definitions.

DEFINITIONS

Genevant incorporates in their entirety the Definitions provided in Plaintiffs' Responses and Objections to Defendants Moderna, Inc. and ModernaTX Inc.'s First Requests for Production. These definitions form a part of, and are hereby incorporated into, the response to each and every Request for Admission set forth below.

SPECIFIC OBJECTIONS AND RESPONSES

The image consists of a series of horizontal black bars of varying lengths, arranged vertically. The bars are solid black and have thin white borders. They are positioned against a white background. The lengths of the bars vary significantly, with some being very short and others being quite long. There is no discernible pattern or sequence to the lengths of the bars.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

REQUEST FOR ADMISSION NO. 7

Admit that Roivant Sciences Ltd. is entitled to receive Litigation Proceeds should one or more Plaintiffs be awarded damages in This Action.

RESPONSE TO REQUEST FOR ADMISSION NO. 7

Genevant incorporates its General Objections as though fully set forth herein. Genevant further objects to this Request as on the basis that it does not seek information relevant to any claim or defense in this case, including because whether Roivant Sciences Ltd. is entitled to receive Litigation Proceeds is not relevant to whether any of the asserted patents are infringed or invalid, nor is it relevant to the merits *vel non* of Moderna's § 1498 defense, or any other issue in this case.

In re Valsartan N-Nitrosodimethylamine (NDMA) Contamination Prod. Liab. Litig., 405 F. Supp. 3d 612 (D.N.J. 2019); *United Access Techs., LLC v. AT&T Corp.*, 2020 WL 3128269, at *1 (D. Del. June 12, 2020) (finding "litigation updates provided to individuals and entities entitled to recover a portion of litigation proceeds" not relevant). Genevant further objects to this Request as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent the definition of "Litigation Proceeds" includes payments "as a result" of "a litigation," and therefore includes payments that might indirectly result from litigation and payments that might result from litigations unrelated to this Action.

FIRST SUPP. RESPONSE TO REQUEST FOR ADMISSION NO. 7 [7/28/2023]

Genevant incorporates its General Objections and specific objections above as though fully set forth herein. Moderna has not identified any disputed issue on which this Request for

Admission is relevant, despite Genevant’s objections. Based on the parties’ meet-and-confer discussion regarding the meaning of “Litigation Proceeds,” Genevant interprets “Litigation Proceeds” to mean a right to receive a financial or monetary payment because Genevant receives proceeds from Moderna in this litigation.

Subject to and without waiving the foregoing objections, Genevant

Respectfully submitted,

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Dated: July 28, 2023

CERTIFICATE OF SERVICE

I, Nathan R. Hoeschen, hereby certify that on July 28, 2023, this document was served on the persons listed below in the manner indicated:

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